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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,100	12/16/2003	Martin Miles Gosling	Bg/mmg64	3630
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Martin Gosling				
August-Euler-Zeile 11				
Berlin, 14089				
GERMANY				
		EXAMINER		
		HADZONOZ, BANAFSHEH		
		ART UNIT		PAPER NUMBER
		3715		
		MAIL DATE		DELIVERY MODE
		11/10/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,100

Applicant(s)

GOSLING, MARTIN MILES

Examiner

Banafsheh Hadizonooz

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 15 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 15, 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Responsive to the communication filed on 10/25/2007, Claims 1-10, 13, 15 and 19-23 are pending. This office action is made **Non-Final**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-22 are rejected under 35 U.S.C. 102 (e) as being anticipated by D'Alessandro (US 2003/0061141).

Regarding claims 19-22, D'Alessandro discloses a survey method capable of capturing and summarizing inputs from a questionnaire such that each survey originator is able to see the result not only for their own entity but also for a plurality of entities in the same industry (See P.5, [0048]). D'Alessandro further discloses assigning points to both rational and behavioral questions, adding the scores and comparing the results (See P.4, [0043], P.5, [0048] and Fig. 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable by Morrel-Samuels (US 5,795,155) in view of D'Alessandro (US 2003/0061141).

[Claims 1, 4, 7]: Morrel discloses a system and method which is characterized by asking the respondents to answer two sets of questions (e.g. parts 14 and 16)(See Col.2, 59-64), with both sets of questions being based on similar statements, but posed differently (See Col.4, 33-38). Morrel further includes a number of validation measures in his invention (See Col.4, 33-34), wherein the questions are directed toward the same domain (e.g. behavioral, visionary, etc) to increase the reliability of the survey (See Col.4, 33-43).

Morrel does not specifically disclose that the questions are answered both emotionally and rationally by the applicants. However, D'Alessandro discloses a surveying method, wherein the responders are asked to answer the questions both rationally (e.g. selecting a true-false Boolean) and emotionally (e.g. quantified response) (See P.4, [0043]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of D'Alessandro's method into the system and method of Morrel in order to design a system with higher accuracy response system.

[Claims 2, 3, 5, 8-10]: Morrel further discloses subdividing the subject matter of the questionnaire into common groups (e.g. realistic, visionary and ethical sections) (See Col.3, 6-24) in which the said statements are equally distributed in number amongst the groups.

Regarding claim 3, Morrel further discloses two sets of said similar statements in which both sets of statements (e.g. the summary statement following the independent statements) contain sentences with the same meaning, but using different words (see Col.4, 50-56).

With respect to claim 5, Morrel discloses a second set of questions (e.g. part 16) in which the said questions group together a number of statements from the said second set of statements (See Col.4, 63- Col.5, 6).

As per claim 8 and 9, D'Alessandro discloses calculating the weighted score based on the responses to both emotional and rational questions and their consistency (See P.5, [0048]).

Regarding claim 10, D'Alessandro further discloses comparing the responses from the respondent or plurality of respondents in which the closeness of match of both sets of responses is quantifiably measured, therefore giving a value for respondent or plurality of respondents' satisfaction (See Fig.5 and P.5, [0048]).

Claim 6 is rejected under 35 U.S.C. 103(a) as being anticipated by Morrel-Samuels (US 5,795,155) in view of Nanos et al. (US 2001/0052122).

Regarding claim 6, Morrel discloses wherein the second statement groupings depend upon the respondent's answer to the first set of questions (See Fig.3, and Col.6, 45-53). Morrel does not specifically disclose that the second sets of questions are dynamically altered so that they depend on respondent's answer to the first question. Nanos discloses a automated survey kiosk, wherein the questions can be altered from a remote location while the participant is taking the survey (See Abstract). Therefore, it

would have been obvious to one of ordinary skill in the art to incorporate the features of the Nanos invention into the system and method of Morrel, in order to design a dynamic survey system.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrel-Samuel (US 5, 795,155) in view of Bookler et al. (US 2002/0007303).

[Claims 13 and 15]: With respect to claim 13, Morrel does not specifically disclose a centrally coordinated survey system. Bookler discloses presenting a questionnaire survey in which, having registered a desire to partake in the survey by either running a standalone computer program or logging on to the said survey in the said network environment (See Fig.4, and P.4, [0060]). The first part of the questionnaire is presented to the respondent on the said display device for completion (See Fig.4, element 66 and P. 4, [0061]). The respondent's inputs are registered from the said input device (See Fig.4, element 66), the responses are stored in the storage device (See element 70). The responses are processed in the said processing unit (e.g. analysis engine) and based on the results, the questionnaire for the second part of the questionnaire are dynamically arranged and presented on the said display device for completion (See element 72), after which the respondent's resulting input on the said processing unit and finally stored in the said storage device. A summary of the respondent's results can be presented to the respondent in both of textual and graphical format on the said display device (See P.4, [0061]). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the features of Bookler's

invention into the system and method of Morrel in order to design a system that is more efficient and is more compatible with various interfaces.

As per claim 15, Morrel further discloses giving the respondents immediate feedback in which a textual and/or graphical summary of their input is shown immediately on the display device following their completion of the survey (See figs. 4B, 4D).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable by D'Alessandro (US 2003/0061141).

Regarding claim 23, D'Alessandro does not specifically disclose presenting the result of the survey both textually and graphically. However, such presentation methods are well known in the industry. Therefore it would have been obvious to incorporate such feature into the system and method of D'Alessandro in order to design a system with more understandable presentation method.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272- 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

10/29/2008

/Cameron Saadat/
Primary Examiner, Art Unit 3715